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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROBIN DIMAGGIO,

14 Defendants.
15

No. CR 18-891-DMG

PROTECTIVE ORDER [34]

16 The Court having considered the stipulation of the government,
17 by and through its counsel of record, the United States Attorney's
18 Office for the Central District of California and Assistant United
19 States Attorney Poonam G. Kumar, and defendant ROBIN DIMAGGIO
20 ("defendant"), both individually and by and through his counsel of
21 record, Deputy Federal Public Defender Neha Christerna (collectively,
22 the "parties"), with respect to the disclosure of sensitive and
23 confidential information contained in discovery to be provided by the
24 government to counsel of record for defendant in this matter and good
25 cause appearing therefor, the Court hereby ORDERS as follows:

26 1. In order to permit the government to provide discovery
27 material to the above-named counsel of record for defendant while
28 avoiding the unauthorized dissemination, distribution, or use of

1 documents containing personal identification information, means of
2 identification, financial records, tax records, and other sensitive
3 or confidential information relating to third parties, the parties
4 have stipulated to the entry of this Protective Order in the above-
5 captioned case, United States v. DiMaggio, CR No. 18-891-DMG.

6 2. The term "Sensitive Information" shall mean dates of birth,
7 social security numbers, driver's license numbers, pin numbers, bank
8 or financial account information, taxpayer identification
9 information, tax information, home addresses, phone numbers, email
10 addresses, employment information, passwords, names of alleged
11 victims, and grand jury materials.

12 3. The term "document" shall include written or printed matter
13 of any kind including originals, conforming copies, and non-
14 conforming copies (e.g., a copy of an original with an added
15 notation). The term "document" shall also include letters, reports,
16 summaries, memoranda, notes, communications, telexes, cables,
17 telecopies, telegrams, facsimiles, microfilms, reports, photographs,
18 charts, graphs, maps, invoices, accountings, worksheets, bulletins,
19 transcripts, and messages, as well as alterations, amendments,
20 modifications and changes of any kind to the foregoing; and all
21 recordings of information on computer, magnetic, electronic, or optic
22 media such as computer hard drives, DVDs, CDs, audio or video tapes,
23 computer tapes or discs, microfiche, films, and all manner of
24 electronic data processing storage.

25 4. The term "Protected Discovery" shall mean Sensitive
26 Information contained in documents that are produced to the defense
27 by the government as discovery in this case. A document will not be
28 considered Protected Discovery if all Sensitive Information is

1 redacted from the document.

2 5. Only defense counsel, defense counsel's agents, and
3 defendant (the "defense team") may review the Protected Discovery in
4 preparation for trial or other resolution of this matter, and that
5 defense counsel, defense counsel's agents and defendant may only use
6 the Protected Discovery personal information or any portion thereof
7 for the specific purpose of litigating this matter and for no other
8 purpose. Litigation of this matter includes any appeal filed by
9 defendants, and any motion filed by defendant pursuant to 28 U.S.C. §
10 2255. Upon the final disposition of this case, the Protected
11 Discovery shall not be used, in any way, in any other matter, absent
12 a court order.

13 6. Protected Discovery shall only be shared with defendant in
14 the presence of his counsel or defense counsel's agents, and that
15 defendant shall not be allowed to possess on his own any Protected
16 Discovery.

17 7. Defense counsel shall advise all members of the defense
18 team of their obligations under the Protective Order and ensure their
19 agreement to follow the Protective Order, prior to providing members
20 of the defense team with access to any Protected Discovery.

21 8. The defense team shall not permit anyone who is not a
22 member of the defense team to retain in his or her possession any
23 Protected Discovery.

24 9. The defense team may review Protected Discovery with
25 witnesses or witnesses' counsel in this case. Before being shown any
26 portion of the Protected Discovery, however, the above-named counsel
27 of record will advise any witness or witness' counsel of, and that
28 witness or witness' counsel must agree to be bound by, the

1 requirements of the Protective Order. No witness or witness' counsel
2 may retain the Protected Discovery, or any copy thereof, after his or
3 her review of those materials with the defense team is complete.

4 10. The defense team shall maintain the Protected Discovery
5 safely and securely, and shall exercise reasonable care in ensuring
6 the confidentiality of those materials.

7 11. To the extent that notes are made that memorialize, in
8 whole or in part, the contents of any Protected Discovery, or to the
9 extent that copies are made for authorized use by members of the
10 defense team, such notes, copies, or reproductions become Protected
11 Discovery and must be handled in accordance with the terms of the
12 Protective Order.

13 12. In the event that a party needs to file Protected Discovery
14 with the Court or divulge the contents of such materials in court
15 filings, the filing should be made under seal, unless the parties
16 agree in writing that the specific document or documents may be filed
17 in the public record. If the Court rejects the request to file such
18 information under seal, the party seeking to file such information
19 shall provide advance written notice to the other party to afford
20 such party an opportunity to object or otherwise respond to such
21 intention. If the other party does not object to the proposed
22 filing, the party seeking to file such information shall redact the
23 Sensitive Information and make all reasonable attempts to limit the
24 divulging of Sensitive Information.

25 13. All Protected Discovery maintained in the defense team's
26 files shall remain subject to the Protective Order unless and until
27 such order is modified by court order. Within thirty days of being
28 notified that appellate and post-conviction proceedings have

1 concluded, the defense team shall return Protected Information and
2 materials otherwise identified as containing Sensitive Information to
3 the government, certify that such materials have been destroyed, or
4 certify that such materials are being kept pursuant to the Business
5 and Professions Code and the Rules of Professional Conduct.

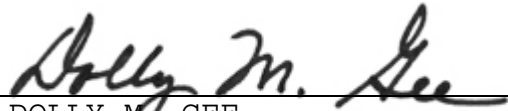
6 14. In the event that there is a substitution of counsel prior
7 to when such documents must be returned, new defense counsel must
8 join this Protective Order before any Protected Discovery may be
9 transferred from the undersigned defense counsel to the new defense
10 counsel, who then will become the defense team's custodian of the
11 Protected Discovery and who shall then become responsible for
12 returning all Protected Discovery to the government upon the
13 conclusion of appellate and post-conviction proceedings.

14 15. The parties may modify the definition of Sensitive
15 Information by stipulation or, in the event that no agreement can be
16 reached between the parties, by an order of the Court upon a motion
17 by a party to this case. This order may be modified by the Court
18 upon a motion by a party to this case or stipulation of the parties
19 to this case.

20 IT IS SO ORDERED.

21
22 January 29, 2019

23 DATE

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25 DOLLY M. GEE
26 UNITED STATES DISTRICT JUDGE
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